

Appn. Ser. No.: 09/835,649
Atty Docket No.: 00-VE24.35
Customer No.: 32127

REMARKS

Applicant submits this Response in response to the Office Action mailed January 25, 2006 ("Office Action"). Applicant has amended claims 12-14 and 16-17, and canceled claims 1-3, 7-8 and 46-47 (without prejudice to re-presenting the subject matter of these claims at a later time). Claims 9-17, 25-45 and 48-57 are currently pending. No new matter has been added.

Applicant thanks the Examiner for indicating the allowability of claims 9-11, 25-45 and 48-57.

In the Office Action, the Examiner has rejected claims 1-3, 9-17, 25-45 and 48-57 under the doctrine of obviousness-type double patenting over claims 1-27 and 39-71 of U.S. Patent No. 6,904,054. The Examiner also rejected claims 1-3, 7-8, 17, 46 and 47 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,568,181 to Greenwood et al. ("Greenwood") in view of U.S. Patent No. 6,775,271 to Johnson et al. ("Johnson"). The Examiner has also rejected claims 12, 13 and 16 under 35 U.S.C. § 103(a) as being unpatentable over Greenwood in view of Johnson and further in view of U.S. Patent No. 6,185,187 to Ghanwani et al. ("Ghanwani"). The Examiner has also rejected claims 14 and 15 under 35 U.S.C. § 103(a) as being unpatentable over Greenwood in view of Johnson and further in view of U.S. Patent No. 6,483,805 to Davies et al. ("Davies"). Applicant respectfully traverses the rejection of the remaining claims based on the following.¹

With respect to the obviousness-type double-patenting rejections, without concurring with the Examiner's assertions in the Office Action, in order to expedite the issuance of a patent on the subject matter claimed herein, Applicant submits herewith a terminal disclaimer in view of common-owned U.S. Patent No. 6,904,054. Applicant thus respectfully requests that the Examiner withdraw the double-patenting rejections.

¹ As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such in the future.

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With respect to the rejections of claims 1-3, 7-8, 12-17 and 46-47 under 35 U.S.C. § 103, Applicant has canceled claims 1-3, 7-8 and 46-47, thus rendering these rejections moot. Applicant has further amended the dependency of claims 12-17 to make these claims now dependent from allowed claim 9. As a result, Applicant believes claims 12-17 to be in condition for allowance for at least the same reasons as claim 9,² and respectfully requests that the Examiner withdraw the rejections of claims 12-17.

² As Applicant's remarks with respect to the base independent claims are sufficient to overcome the Examiner's rejections of all claims dependent therefrom, Applicant's silence as to the Examiner's assertions with respect to dependent claims is not a concession by Applicant to the Examiner's assertions as to these claims, and Applicant reserves the right to analyze and dispute such assertions in the future.

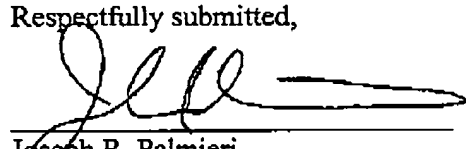
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CONCLUSION

In view of the foregoing, Applicant respectfully submits that the pending claims are in condition for allowance. Reconsideration and allowance are respectfully requested. If there are any outstanding issues which need to be resolved to place the application in condition for allowance, the Examiner is invited to contact Applicant's undersigned representative by phone at the number indicated below to discuss such issues. To the extent necessary, a petition for extension of time under 37 C.F.R. § 1.136 is hereby made, the fee for which should be charged to deposit account number 07-2347. With respect to this application, please charge any other necessary fees and credit any overpayment to that account.

Respectfully submitted,

June 13, 2006



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CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being transmitted by facsimile to the United States Patent Office at 571-273-8300.

Dated: June 13, 2006



Signature (Christian R. Andersen)